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PATENT  
Attorney Docket No.: 002307-129400US  
Client Reference No.: 2002-013-1

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



On December 22, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Patricia Andrus

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Michael McKenry

Application No.: 10/656,533

Filed: September 4, 2003

For: GRAPE PLANT NAMED RS-9

Examiner: June Hwu

Art Unit: 1661

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

Commissioner for Patents  
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Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed.

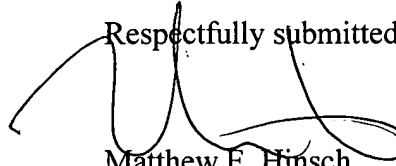
It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant notes the fee and certification waiver per the requirement for information under 37 CFR 1.105, and thus believes no fee is due. Please deduct any fees from, or credit any overpayment to, Deposit Account No. 20-1430.

Respectfully submitted,



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|--|---|------|--------------------------|-------------------|-----------------|
| Substitute for form 1449B/PTO<br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br>(use as many sheets as necessary) |   |      | <b>Complete if Known</b> |                   |                 |
|  |   |      | Application Number       | 10/656,532        |                 |
|  |   |      | Filing Date              | September 4, 2003 |                 |
|  |   |      | First Named Inventor     | McKenry, Michael  |                 |
|  |   |      | Art Unit                 | 1661              |                 |
|  |   |      | Examiner Name            | June Hwu          |                 |
| Sheet  | 1 | of 1 | Attorney Docket Number   |                   | 002307-129300US |

| U.S. PATENT DOCUMENTS+ |                       |   |                                |  |   |
|------------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials*     | Cite No. <sup>1</sup> | Document Number<br>Number Kind Code <sup>2</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |

| FOREIGN PATENT DOCUMENTS        |                       |   |   |                                |  |  |                |
|---------------------------------|-----------------------|---|---|--------------------------------|--|--|----------------|
| Examiner Initials*              | Cite No. <sup>1</sup> | Foreign Patent Document   |   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear | T <sup>6</sup> |
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| NON PATENT LITERATURE DOCUMENTS |                       |   |   |                                |  |  |                |
| Examiner Initials *             | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. |   |                                |  |  | T <sup>2</sup> |
|                                 | AA                    | ANWAR, Safdar A. et al.; "Developmental Response of a Resistance-Breaking Population of <i>Meloidogyne arenaria</i> on <i>Vitis</i> SPP."; 2002, <u>Journal of Nematology</u> , Vol. 34, No. 1, pp. 28-33.  |   |                                |  |  |                |
|                                 | AB                    | ANWAR, Safdar A. et al.; "Penetration and Development of <i>Meloidogyne arenaria</i> on Two New Grape Rootstocks"; 2002, <u>Journal of Nematology</u> , Vol. 34, No. 2, pp. 143-145.  |   |                                |  |  |                |
|                                 | AC                    | ANWAR, Safdar A. et al.; "A Search for More Durable Grape Rootstock Resistance to Root-knot Nematode"; 2002, <u>Am. J. of Enology and Viticulture</u> , Vol. 53, No. 1, pp. 19-23.  |   |                                |  |  |                |
|                                 | AD                    | ANWAR, Safdar A. et al.; "Penetration, Development and Reproduction of <i>Meloidogyne Arenaria</i> on Two New Resistant <i>Vitis</i> SPP."; 2000, <u>Nematropica</u> , Vol. 30, No. 1, pp. 9-17.  |   |                                |  |  |                |
|                                 | AE                    | McKenry, M.V. et al.; "Interactions of Selected Rootstocks with Ectoparasitic Nematodes"; 2001, <u>Am. J. Enol. Vitic.</u> , Vol. 52, No. 4, pp. 304-309.   |   |                                |  |  |                |
|                                 | AF                    | McKenry, M.V. et al.; "Interactions of Selected <i>Vitis</i> Cultivars with Endoparasitic Nematodes"; 2001, <u>Am. J. Enol. Vitic.</u> , Vol. 52, No. 4, pp. 310-316.   |   |                                |  |  |                |

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|--------------------|--|-----------------|--|
| Examiner Signature |  | Date Considered |  |
|--------------------|--|-----------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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